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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,693	03/29/2004	Christopher M. Lane	00917P0179US	1349
32116	7590	05/24/2006	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			ESTREMSKY, GARY WAYNE	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/811,693	Applicant(s) LANE ET AL.	
	Examiner Gary Estremsky	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 18-20, 22-31, 14, 25, 37-52 is/are rejected.
- 7) ☒ Claim(s) 4-17, 21, 32, 33 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It's not clear if recitation of "frame" corresponds to the "frame support" recited in the preamble of claim 1 or to disclosed part 126.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,419,284 to Kutschat in view of U.S. Pat. Application Publication No. 2002/0195826 to Fountaine.  
  
Kutschat '284 teaches Applicant's claim limitations including : a "base" – 24, a "latch system" – as shown on the face of the Patent and Fig.'s 1 and 2 for example, an "actuating system" – including 16,87,11, a "first link" – including 16, an "actuating

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assembly” – including 11, an “actuating element” – 11. Although the actuating system of the reference is disclosed to be attached with a separate fastener (57), it is well known in the art of latches to snap fit component assemblies and entire assemblies onto other elements without the use of fasteners as taught by Fountaine 826 for example wherein an a latch operating subassembly and latch subassembly can be attached together without the use of fasteners and the entire assembly can be assembled to a base (via 18,26,26) without the use of separate fasteners. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the actuating assembly of Kuschat '284 with spring arms to allow its integral snap in mounting to make manufacturing faster, easier and avoid visible fasteners in the finished product where examiner takes Official Notice that such motivation is well known in the art.

3. Claims 2, 3, 18- 20, 22-31, 34, 35, and 37-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,419,284 to Kutschat in view of U.S. Pat. Application Publication No. 2002/0195826 to Fountaine and further in view of U.S. Pat. No. 5,845,947 to Arabia.

Although parts 16 and 87 are connected via 21, arguably a “separate fastener”, Arabia '947 for example teaches that it is well known in the art of latches to provide the lever (12) and operating rod (30) with structure that allows them to be attached together without the use of separate fasteners. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the assembly of Kuschat '284, as modified, with a rod and lever having structure such as that disclosed by Arabia '947

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instead of that shown with respect to elements 16,21,87 allow their integral snap together assembly to make manufacturing faster and easier where examiner takes Official Notice that such motivation is well known in the art.

As regards claim 18, opposite ends of the tubular element of Kutschat '284 or the structures with which opposite ends of the tubular element are to be mounted anticipate broad limitation of "supports".

As regards claim 19, limitation of "connectable" is literally interpreted as 'able to be connected' and does not set forth any structure that is not taught by the prior art where the reference's tubular element is explicitly disclosed with mounting structures at its opposite ends that are explicitly intended to be connected to supporting structures and are inherently able to be disconnected should a different (unclaimed) tubular element of different shape might be attached.

As regards claims 22,23 although Kutschat '284 discloses actuating 16 in one direction to operate the latch, it would have been an obvious design choice or engineering expedient for one of ordinary skill in the art at the time of the invention to modify part 16 of Kutschat '284 to have a rod structure that can be used in tension or compression as taught by the prior art and to modify the latch to be placed in its released position as a result of either tension or compression forces in the rod where the examiner takes Official Notice that either such actuations are well known equivalent in the latch art and the choice of either would not otherwise affect the overall latch function.

As regards claim 29,30, Kutschat '284 discloses use with a door for holding to a frame affixed striker.

As regards claim 31, Kutschat '284 discloses a "frame" 59 for example having a bent portion anticipating broad limitation of "transverse flange".

As regards claim 43, although the spring of Kutschat '284 is not physically located between the actuating element and the second link, the claim does not require such physical arrangement. In that respect, the reference structure anticipates limitation inasmuch as the spring provides a force "acting between the actuating element and the second link".

As regards claims 28, 50 for example; inasmuch as a product-by-process claim is still a product claim, any steps in a process of manufacture are considered insofar as they further define the material structure of the claimed product. In that respect, the claim has not further defined any particular structure that can be relied upon to patentably distinguish from the prior art which has all of the explicitly claimed structure. Regardless, it is the examiner's position that it would have been an obvious design choice for one of ordinary skill in the art at the time of the invention to connect the parts of the reference as claimed to result in the disclosed structure since such choice would not otherwise affect function of the assembly claimed as the invention.

***Allowable Subject Matter***

4. Claims 4-17, 21, 32, 33, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,806,900 to Bratcher.

U.S. Pat. No. 6,578,446 to Staser.

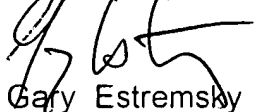
U.S. Pat. No. 6,340,183 to Ramsauer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary Estremsky  
Primary Examiner  
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